

Kitsap Rifle and Revolver Club, Bremerton, Kitsap County WA

EPA Site ID# WAN00100208

Summary background as of 02/25/2021

- Approximately 72-acre property of which an estimated 8 acres have been used for firing range activities.
- The property has reportedly been in use as a gun range since 1926. The land was owned by the Washington State Department of Natural Resources (DNR) until 2008, at which time the property was acquired by Kitsap County, as part of a land swap with DNR. Shortly thereafter, the County deeded the property over to KRRC.
- Onsite is a 50-yard pistol range; a 200-yard rifle range; and about nine small sport pistol ranges. The impact areas of the ranges at KRRC are (mostly) sand berms. The rifle range impact area at 200 yards is an exposed soil face approximately 40 to 50 feet high. Wetland areas are known to exist on the KRRC property (e.g., behind the impact berm).

Background

In 2010, complaints regarding the site were filed by a private citizen.

Kitsap Public Health District staff conducted the Initial Investigation at the site in 2010.

The investigation showed that the site was likely contaminated with lead from the years of shooting with limited formal lead recovery program. Permission to sample onsite was denied during the Initial Investigation.

Ecology added the site to the Confirmed and Suspected Contaminated Sites list in August of 2010 after the Initial Investigation (ERTS #613947).

EPA completed an Integrated Assessment in November 2011. Sampling data indicates that TAL metals (primarily COC lead) appears to be migrating into nearby wetlands with concentrations of lead in sediment ranging from 780-1,260 mg/kg. Lead concentrations in soil at impact berms range from 364-53,400 mg/kg. There is at least one private drinking water well at the site. Sampling of the well showed no exceedances of MTCA levels.

EPA Site Assessment Manager recommendation based on IA findings: Site score is above threshold for listing on the NPL, further site characterization may be necessary to refine site score. Mini RDT should be completed.

EPA OSC decision based on Removal screening conducted as part of Integrated Assessment: No further action at this time.

Site should be re-evaluated if KRRC permanently ceases operation as a shooting range. In your email, you ask how EPA defines permanent closure of a facility. I wish to inform you that EPA does not have an official definition of permanent closure that applies to this type of situation. The issue that you and I have discussed in the past is EPA's concern over conducting a cleanup on property that will be used as a shooting range after a cleanup is complete. As you are well aware, and as you have kept EPA apprised, the legal situation for the future use of the

Kitsap Rifle and Revolver Club property is not settled. As EPA understands the situation, the Kitsap Rifle and Revolver Club can still submit a permit application to use the property as a shooting range, and has a variety of administrative and judicial remedies to pursue if Kitsap County rejects a permit application.

To date, Kitsap County has not approved a permit on the basis that the Kitsap Rifle and Revolver Club has not submitted a full application containing all the requisite information. Therefore, there is the potential for the property to be used as a shooting range in the future. Additionally, the Kitsap Rifle and Revolver Club has regularly expressed its intent to use the property in that manner. The Office of Environmental Cleanup, EPA Region 10, is not currently intending to conduct a cleanup at the Property because of the potential for on-going use of the Property as a firing range. Since the current use of the Property is still as a firing range, and is expected to continue to be utilized as such, the EPA will likely not invest the resources to conduct a cleanup only to have known recontamination occur. Additionally, the Office of Environmental Cleanup is not aware of an imminent threat the human health and the environment that meets EPA's cleanup criteria under CERCLA. Previous investigations conducted by EPA at the Property do not indicate or provide evidence of serious off-site migration or off-site lead levels in the soil above EPA action levels.

2012 Site Hazard Assessment (SHA) Sampling conducted by Kitsap County Public Health Department under a grant with Ecology. On July 2, 2012, Kitsap County Public Health conducted surface water sampling off of the KRRC property in a water channel leading from KRRC towards Chico Creek. The water samples were analyzed for dissolved metals. All results came back below MTCA levels for surface water. Three samples were taken: one above the site for background and two below.

2013 Ecology Site Hazard Assessment, KRRC site, overall rank: 2

From 2012-2014, the site was managed under Ecology's Voluntary Cleanup Program (VCP).

In a February 21, 2014 letter from Ecology to Kevin Gross, Ecology wrote:

"The Site is currently developing a work plan to address hot spot areas on the property to remove soils containing high levels of lead. The work plan will need to address how these areas will be removed or capped appropriately to prevent exposure. Once received, Ecology will be reviewing the work plan and providing an opinion on its adequacy to address the lead hot spots. The Site owners must work collaboratively with Ecology to carry out further Site characterization and cleanup actions. If there is not progress toward that end through the VCP, Ecology will re-evaluate this approach.

With regard to other concerns raised in your letter about the wetland buffer area, RCRA wastes and water quality, Ecology's Toxic Cleanup Program is coordinating with the designated programs within the agency to address and follow-up on each specific issue. Follow-up and resolution of these issues could take some months to resolve."

In an October 22, 2014 letter from ECY to KRRC, Ecology wrote:

*"The Department of Ecology (Ecology) is terminating the Voluntary Cleanup Program (VCP) Agreement governing Project No. NW2781. The project involved the cleanup of the **Kitsap Rifle & Revolver Club** facility (Site). The effective date of termination is the date of this letter. We are providing this notice*

in accordance with the terms of the Agreement.

Reason

Ecology is terminating the Agreement because you informed us in a letter dated October 17, 2014, that you wanted to withdraw from the VCP.

Next Steps

Based on this decision, Ecology may take one or more of the following steps:

- 1. Send you an invoice for any costs remaining on your account. In accordance with the terms of the Agreement, you remain responsible for any costs incurred by us before the effective date of termination.*
- 2. Identify those persons we find potentially liable for cleanup of the Site.*
- 3. Initiate discussions for an agreed order or consent decree that will govern further action at the Site.”*

There is currently in place a court ordered injunction which was filed by Kitsap County against KRRC because of citizen concerns (complaints) regarding the “safety and compatibility issues of the shooting range”.

Signed Feb 9, 2012 Superior Court of WA for Pierce County, Findings of Fact, Conclusions of Law & Orders: *A permanent, mandatory and prohibitive injunction is hereby issued enjoining use of the Property as a shooting range until violations of Title 17 Kitsap County Code are resolved by application for and issuance of a conditional use permit for use of the Property as a private recreational facility or other use authorized under KCC Chapter 17.381.*

January 31, 2019, EPA OSC recommendation based on a review of existing available information: *I recommend no cleanup action at this time. I do not believe the lead concentrations that are currently found in the wetlands justify a removal action. There are no impacts to human health. There are no current impacts to fish downstream. Yes the lead levels are very high along the berms at the shooting range, but the concentrations are magnitudes lower in the nearby wetlands. The lead results found maybe due to stray rounds fired from the primary range. The KRRC is currently not open for range shooting until they can receive an approved permit from the county. If the range should go out of business, then most definitely a cleanup should take place based on future land use. The facility probably could do a better job of using the recommendations in the EPA Best Management Practices (BMP) for shooting ranges, where the document lists a number of control methods that could be employed.*

In a January 5, 2021 letter from the Office of the Attorney General of WA to The Chenoweth Law Group, the AG’s office wrote:

“...As you are aware, in 2003, RCO provided the Club with grant funding through the Firearms and Archery Range Recreation (FARR) program for the purpose of enabling the Club to construct improvements to its firearm range facilities as part of the Club’s Rifle Line Reorientation and Sound Cover project. Specifically, this project was to renovate the rifle line and to improve safety and sound attenuation.

...The Project Agreement reiterates these requirements. Section 25: Restriction on Conversion, requires that facilities funded with state grant funds remain open and available to the public for ten years

following final reimbursement by RCO of Grant funds. RCO's final reimbursement to the Club occurred on February 10, 2009.

...For the Club to avoid violating Section 25 and creating a conversion, therefore, the specific facilities funded through the Project Agreement were required to be and remain open to the public for their intended (and funded) purpose until February 10, 2019.

...The Club is currently closed to shooting high powered rifles, and has not been continually open for those purposes since 2012. RCO, at the Club's request, made numerous efforts to work with the Club to help avoid a formal declaration of conversion of use, which requires repayment of grant funding.

...Accordingly, the Director has declared that a conversion has occurred and requires that the Club repay the entire grant amount of \$46,965.16. A copy of the Director's declaration of conversion is enclosed herewith. RCO demands that the Club pay the amount of \$45,965.16 to RCO immediately."

On January 13, 2021, an email message from a private citizen inquiring about the KRRC site was received by EPA Region 10.